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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,305	05/25/2001	Hachirou Honda	Q64558	2780

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Washington, DC 20037-3202

EXAMINER

MILIA, MARK R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/864,305

Applicant(s)

HONDA, HACHIROU

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment was received on 9/21/05 and has been entered and made of record. Currently, claims 1-7 are pending.

***Drawings***

2. Applicant's amendments to Figs. 4 and 14 to correct reference characters have overcome the objection to the Drawings as cited in the previous Office Action. Therefore the objection has been withdrawn.

***Specification***

3. Applicant's amendment to the specification to insert reference characters that were previously omitted as overcome the objection to the specification as cited in the previous Office Action. Therefore the objection has been withdrawn.

***Response to Arguments***

4. Applicant's arguments, see pages 9-11, filed 9/21/05, with respect to the rejection(s) of claim(s) 1-5 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. The examiner agrees that the reference of Fox fails to disclose a machine plate making process. The examiner disagrees that the "right shift" and "left shift" must be executed on the same set of tasks. Fox shows that a user can manually set the start and end boundaries (see column 7 lines 45-47) and gives an example in which the "right shift" is applied to a first set of tasks and the "left shift" is applied to a second set of tasks, all of which make up a larger task (see column 12 lines 7-40). However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of U.S. Patent No. 5661566 to Gerber.

Regarding claims 1, 3, and 5, Fox discloses a schedule planning method, system, and program storage medium of planning a schedule for processing consisting of a series of processes, said schedule planning method comprising obtaining information concerned with the series of processes (see column 6 lines 11-22 and 35-52 and column 7 lines 45-56) and creating a schedule plan for first half processes in such a manner that a scheduling is performed in accordance with a fastest-schedule scheme for first half processes terminating up to a particular process of the series of processes obtained in the obtaining step, and creating a schedule plan for latter half processes in such a manner that a scheduling is performed in accordance with a latest-schedule scheme for half processes starting after starting point of the particular process of the series of processes obtained in the obtaining step (see column 4 line 66-column 5 line 4, column 7 lines 38-47 and 65-67, column 8 lines 18-32, 45-47, and 58-65, column 10 lines 6-34, column 11 lines 30-36, column 11 line 66-column 12 line 4, and column 12 lines 7-44, reference states that the invention can be specially constructed for a required purpose and the program configured to execute that purpose, in addition the reference states the use of a "right shift" schedule scheme and a "left shift" schedule scheme which is analogous to the fastest-schedule scheme and latest-schedule scheme in the claims and further the reference states that the boundaries can be set manually by the user thereby the system can act just as if the boundary was chosen to be in the middle of the process as stated in the claims, also the reference states that the scheduling routine iterated multiple times to use a first output to be an input in a second iteration of the routine, therefore the claim is anticipated by the reference because the

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schedule scheme of the reference serves the same purpose and function to decrease time and improve quality and is constructed in an analogous fashion).

Fox does not disclose expressly a machine plate making process.

Gerber discloses a machine plate making process (see column 3 lines 57-62, column 4 lines 21-30 and 37-67, and column 5 lines 11-16 and 26-37).

Fox & Gerber are combinable because they are from the same problem solving area, providing a system by which to accomplish a desired task.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the machine plate making process as described by Gerber with the schedule system of Fox.

The suggestion/motivation for doing so would have been to decrease time and improve quality by optimizing the processing leading up to the plate making process and the processes after the plate making process. Fox states that the schedule system can be used for a variety of reasons, i.e. manufacturing. Thus, it would have been obvious to use the scheduling system to improve the machine plate making process of Gerber.

Therefore, it would have been obvious to combine Gerber with Fox to obtain the invention as specified in claims 1, 3, and 5.

Regarding claims 2 and 4, Fox and Gerber disclose the system discussed in claims 1 and 3, and Fox further discloses wherein after creating the schedule plan of the first half processes and the schedule plan of the latter half processes, it is detected whether there is any overlapping of schedules between the schedule plan of the first

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half processes and the schedule plan of the latter half processes (see Figs. 2 and 3, column 6 lines 49-52, column 9 lines 17-67, and column 10 line 45-column 11 line 29).

Regarding claim 6, Fox and Gerber disclose the system discussed in claim 1, and Fox further discloses wherein said fastest-schedule scheme comprises forming a schedule in order of higher priority of a process in practice while making sure of a resource (see column 8 lines 17-32).

Regarding claim 7, Fox and Gerber disclose the system discussed in claim 1, and Fox further discloses wherein said latest-schedule scheme comprises forming a schedule from a later process to a former process counting backward from a date of delivery while making sure of a resource (see column 10 lines 16-25).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia  
Examiner  
Art Unit 2622

MRM

  
